A Critical Study on S.C. & S.T. (Prevention of Atrocities) Act, 1989 with Special Reference to Nanded

A

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BY

RAJWANTSINGH SURENDRASINGH KADAMB

B.S.L., LL.B., D.L.L. LL.M.,

UNDER THE GUIDANCE OF

Dr. P. G. CHAVAN

ASSISTANT PROFESSOR AND RESEARCH SUPERVISOR IN LAW

SHRI SHIVAJI LAW COLLEGE, PARBHANI

SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, NANDED

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INTRODUCTION

"Caste can not be abolished by inter caste dinners or stray instances of inter caste marriages. Caste is a state of mind. It is a diseases of mind. The teachings of the Hindu religion are the root cause of this disease.

We practice casteism and we observe Untouchability because we are enjoined to do so by the Hindu religion. A bitter thing can not be made sweet. The taste of anything can be changed but poison cannot be changed intonectar."

-Dr. B.R. Ambedkar.

In modern times, atrocities against the Scheduled Castes can be traced back to the 19th century in parts of India when the systemic practice of 'untouchability' began to be challenged by the 'Untouchables'. A Committee which toured British India in the 1920s to review the working of the Government of India Act 1919 noted that many atrocities were being committed during those days against the 'Untouchables', but were going unnoticed and unpunished because witnesses would not come forward to give evidence. Dr BR Ambedkar, then MLC of Bombay, cited some early instances of atrocities against Dalits in his submission to the Indian Statutory Commission (Simon Commission) on behalf of the Bahishkrita Hitakarini Sabha on 29 May 1928.

Article 17 of Indian Constitution seeks to abolish 'untouchability' and to forbid all such practices. On the basis of above such article parliament enact the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 an Act of the Parliament of India enacted to prevent atrocities against scheduled castes and scheduled tribes. The Act is popularly known as POA, the SC/ST Act, the Prevention of Atrocities Act, or simply the Atrocities Act.

The normal provisions of the existing laws like, the Protection of Civil Rights Act 1955 and Indian Penal Code have been found inadequate to check these atrocities continuing the gross indignities and offences against Scheduled Castes and Tribes. Recognizing these, the Parliament passed 'Scheduled Caste and Scheduled Tribe

(Prevention of Atrocities) Act', 1989. The statement of objects and reasons appended to the Bill while moving the same in the Parliament, reads

The preamble of the Act also states that the Act is "to prevent the commission of offences of atrocities against the members of Scheduled Castes and Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offenses and for matters connected therewith or incidental thereto." [1] The preamble of this Act specifically for fare trial and punish to the accued persons but as well as in this act relief and rehabilitation of the victims converd under preamble but it is include in this penal Act, therefore penal provision and rehabilitation provisions are contradictory to each other.

The normal provisions of the existing laws like, the Protection of Civil Rights Act 1955 and Indian Penal Code have been found inadequate to check these atrocities[2] continuing the gross indignities and offences against Scheduled Castes and Tribes. Recognizing these, the Parliament passed 'Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act', 1989 & Rules, 1995. The statement of objects and reasons appended to the Bill while moving the same in the Parliament, reads

"despite various measures to improve the socioeconomic conditions of SCs & STs, they remain vulnerable. They are denied a number of civil rights; they are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious atrocities are committed against them for various historical, social and economic reasons."

[1] *www.quora.com*
[2] *The Statement of the object and reasons for SC/ST (PoA) Act. 1989*

SIGNIFICANCE OF THE STUDY:

1. Every living person has equal right to live his life with dignity is elaborately discussed in the present Thesis.

2. The significance of the present study is that 'The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989' which was enacted to prevent atrocities against Scheduled Castes and Scheduled Tribes brought a new vision to Indian Judiciary.

3. The Present Thesis will throw light on Annex. 1 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

4. The age old Indian Penal Code deals only with crimes and punishments. The Act, not only deals with punishments for atrocities, but also prescribes comprehensive measures for protection, welfare and rehabilitation of the victims of the atrocities. But it is found that plan of rehabilitation of the victims in this Act sometime is misused by people.

AREA OF RESEARCH WORK

The research may consider in following manner

1. Universal Declaration of Human Rights
2. Constitution of India
3. Protection of Civil right Act, 1955
4. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
5. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules, 1995
6. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules, 1995 amended in 2011
7. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 amended Act 2015 (1 of 2016)
8. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules, 1995 amended in 2016

IDENTIFICATION AND FORMULATION OF RESEARCH PROBLEM:

In this research work the researcher has identified the following problems, they are;

1. Going through the Indian judicial system is degrading for any Dalit because of the still existing biases of the court judges. One example is the conduct of an Allahabad High Court judge who had his chambers "purified" with water from the 'ganga jal' because a Dalit judge had previously sat in that chamber before him.[3] Another example is the case of State of Karnataka v. Ingale.[4]

2. The legal regime is fraught with contradictions. While the legal text is explicit in seeking remedies, the implementation of the text appears to evade actual performance. Laws and legal processes are not self-executing; they depend on the administrative structure and the judiciary with the anticipation that the social attitudes are driven by notions of equity, social justice and fair play.[5]

3. According to the preamble of the SC/ST Act, it is an Act to prevent the commission of offences of atrocities against SC/STs, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences.

4. The statement of object and reason of the SC/ST Act clearly reveals that the Act, in its letter and spirit, desires that Dalits lead a dignified life. However, even after 28 years of its existence in the statute book, it has not shown its desired effect.

[3] *"Human RightsWatch," Broken People : Caste Violence Against Indi's Untouchables Hrw.org. Retrieved 2008-12-29.*
[4] *S.C.R. 3 (1992) 284*
[5] *K.I. Vibhute, "Right to Live with Human Dignity of Schedule Castes and Tribes : Legislative Spitit and Social Response - Some Reflections:, 44 Jili (2002) 469 at 481.*

5. Social and economic boycott and blackmail are widespread. In view of the fact that the main perpetrators of the crime sometimes co-opt a few SC/STs with them and take advantage of local differences among the SC/STs and sometimes they promote and engineer crimes but get them executed by some members of SC/STs, the Act should be suitably amended to bring such crimes and atrocities within the purview of the definition of atrocities under the Act.[6]

6. This Act is applicable only for those communities that are in the government Schedule Caste or Schedule Tribe lists. Those who suffer from caste based discrimination but are left out of the government list the Dalits (mainly those who profess Christianity or Islam, but even others who are not on the list due to mis-classification) do not come under its purview.

[6] *S.C.R. (3) 1992 , 284*

REVIEW OF LITERATURE

Review of literature is one of the important principles of research process which exposes the researcher to the various studies and information relating to the research area. A thorough study of academic journals, government published hand books, books, websites and on line literature has been made. So far, some research work on the Social Welfare Department Nanded.

However, there are some studies in these areas which do not directly but indirectly relevant to the present study. Some of them are reviewed and discussed here.

Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act 1989, Author : Taxmann, As amended by the Scheduled Castes and the Seheduled Tribes (Prevention of Atrocities) Amendment Act 2015 [Act No. 1 of 2016].

Scheduled Castes (SCs) in India - Socio-economic Status and Empowerment, Author : by Arjun Y. Pangannavar, The socio-economic development and protection of scheduled castes (SCs) from discrimination and exploitation has been a high priority area from the very start of Independent India. According to Census 2011, SCs constituted 16.9 percent of the Indian population. In the past, they were socially ostracized, economically exploited and denied human dignity and a sense of self-worth. Women belonging to SCs are in a far worse situation by all development indicators. Poverty and deprivation affect them more adversely. In spite of their adverse conditions, they contribute significantly to the sustenance and growth of the production system of the country. Development and empowerment of SCs is a commitment enshrined in the Constitution of India. This is to be done by ensuring equal rights, access to benefits and resources and empowerment to enable them to develop their potential and capacities as agents of social change, through the process of planned development. In India, development planning in recent years has seen a visible shift in focus from the mere expansion of production of goods and services and the consequent growth of per capita income to planning for enhancement of human well-being. This book explains and examines the problems and constraints of scheduled caste population. Development strategy and various measures adopted to ameliorate their socio-economic conditions are also discussed.

Legally Combating Atrocities on Scheduled Castes and Scheduled Tribes, Author : T.R. Naval, In this book attempts to explore the history of practice of untouchability and commission of atrocities on the scheduled castes and scheduled tribes. It traces out the causes and factors responsible for origin and continuance of atrocities on SCs and STs, and explicates the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Also, the book examines all the available material, in the form of decided cases, reports and journals, to assess the responses of the legal system functionaries towards the law enacted for prevention of atrocities and to remove the factors responsible for commission of atrocities. The book seeks to serve the purpose as reference book on the subject. It is useful for researchers, law enforcement functionaries and the NGOs.

Commentary On The Scheduled Castes & The Scheduled Tribes (Prevention of Atrocities) Act, 1999, Author : Yawer Qazalbash (Advocate), The scheme of this commentary, though had to follow the scheme of the act of 1989, presents a comparative study of other penal statutes with a view to fully explain the interpretations of used words, phrases, expressions, underlying principles, scope and procedure; besides, different kinds of punishments as well as compensations as has been provided in the scheduled castes and scheduled tribes rules of 1995. The work is a reason based analytical commentary with the latest case law.

Atrocities on Scheduled Castes the Law and the Realities, Author : H.S.Saksena, The scheduled Castes and Scheduled Tribes Act 1989 with its scheme of punitive, relief andother provisions was a significant step to combat the rising trend of crimes againtst these communites, particularly the Scheduled Castes. The law, it has been held by the courts, promotes the objective of Article 17 of the Constitution which aims at abolishing untouchability. This study critically examines the nature of these crimes, and how these cases fare in the Special Courts, and for relief and rehabilitation as per Rules under the law, at the hands of the administration.The research has gone into the police record of more than 50% of cases (3588) registered in the five sample districs of Uttar Pradesh during five years. The progress of a sample of these cases is then followed up through the records of the special, looking

into the reasons for delays, faliure to abtain convictions, etc.; supplemented with emperical data from the field relating to the actual realities-how the victims, their families and other perceive the situation. Thus it looks into the sociological; underpinning of this pioneering legislation promoting the constitutional objectives to benefit the Scheduled Castes and Scheduled Tribes, and then offers a critical apprisal of how far the law has, on the ground, promoted its aims and objective as speld out by the central legislature.

The Scheduled Castes (People of India Series - Vol.II), Author : K.S.Singh (former Director-General, Anthropological Survey of India), The ASI launched this ambitious and massive project of "People of India" in 1985 to generate an athropological profile of all communities of India, the impact of development process on them, and the links that bring them together. This volume puts together information on all the scheduled castes in India, including their 450 segments and territorial units.

Dividing DALITS - Writings on Sub-Categorisation of Scheduled Castes, Author : Yagati Chinna Rao (Ed.), This volume is the first-ever attempt to trace this turning-point that marks a shift in the collective consciousness of Dalits in India. It provides a comprehensive overview of issues regarding the sub-categorisation of Scheduled Castes that have emerged and widely debated in popular media and academic discourses over a decade or so. Recognising the complexity and sensitivity of the issues, the book departs from conventional academic and institutionalised writing and is designed to strike a balance between guarded political commentary and critical analysis of the heterogeneous voices that have surfaced. Orientation of individual authors may vary but the coherence that emerged from different viewpoints presents a reasonable understanding of an important topic.

Development Processes and the Scheduled Castes, Author : Krishan Chand Ramotra, In this book comprehensively analyzes the impact of various developmental schemes and plans on the scheduled castes in the state of Maharashtra. It emphasizes on their growth and geographical dissemination, landholdings, occupational structure, poverty, housing condition, literacy and educational acquisitions and their overall levels of development.

Commentary on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act & Rules, Author : Justice P.S.Narayana, with a Foreword by Justice Syed Shah Mohammed Quadri, in this book contains detailed commentary on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also Protection of Civil Rights Act, 1955. The relevant case law in the subject had been given at the appropriate places of the commentary. Also mow SC & ST (Prevention of Atrocities) Rules, 1995 have been added.

Nazeer H, Khan in her book The book *"B.R. Ambedkar on Federation, Ethnicity and Gender Justice"* (2001), which presents well research papers on Gender justice. These studies display a wide range of issues covering different dimensions of Women and their socio-economic conditions have been analyzed.

P. Nagabooshanam in her book "*Social Justice and weaker sections"* (2000) endeavours to secure the social justice to Women under the Constitution law, Women and their position during pre-Constitutional period, Social Justice and the courts, back ward Classes and reports of the commissions. The book deals with the role of judiciary and genesis of protective Discrimination provisions.

V Narayana Swamy, in his book The Book *"Atrocities and Untouchablity against Scheduled Caste and Scheduled Tribes* (2006) has written by analysis the various case laws relating to untouchability. The book deals with the atrocities inflicted on Scheduled Castes and Scheduled Tribes and various provision of Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989, the protection of civil Rights Act, 1955 and Rules relating to these enactments.

M.K. Dongre in the book *"Dimensions of Ambedkarism"* (2005) has made an attempt to analyse the Ambedkarism and its dimensions like, social, political, Constitutional, religious, educational, cultural and dimension relating to Women in the first part of the book. In the second part of the book he analysed the economic dimension, the economic structure of Indian Society, economics of caste, economics of untouchability and economic of Hindusim.

Dasarathi Bhuyan written his book The book "*Casteism in Indian Politics*"

(2006), critically examines casteism in India, caste and Indian Constitution, the backward classes and social change, dominant caste, casteism in India politics, caste and reservation politics, steps to check casteism, caste as determinant of political participation, etc.

S.R. Sharma in his book entitled "*Life and Works of B.R. Ambedkar*" has attempted to examine the Ambedkar and Indian social revolution, Ambedkar and the political mobilization of the scheduled castes, Ambedkar and the Constitution of India, economic ideology of Dr. Ambedkar, his social vision and political mission.

Untouchability and the Law - The Ground Reality - 2000 Author : K.D. Purane (Author) Foreword Preface Surbey of the Literature on Hindu Society and Untouchability Nature of Hindu Society and Untouchability Philosophy of the Constitution of India and the Need for Legislation History of the Protection of Civil Rights Act, 1976 The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 Cases Under Protection of Civil and Rights Act, 1976 and Prevention of Atrocities Act, 1989 Conclusion and Suggestions Bibliography Index.

Commentaries on Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by P.K. Gupta. The parliament enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in order to prevent the commission of offences against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and related matters.

The author has provided an enlightening, section by section, analysis of the provisions with supportive case-law.

An important feature of the book is the provision of : (1) List of Scheduled Castes, (2) List of Scheduled Tribes, (3) List of Tribal Areas, (4) List of Scheduled Areas, alongwith many other Constitutional orders, related Acts and Rules. Also provided are the Protection of Civil Rights Act, 1955 and Protection of Civil Rights Rules, 1977.

OBJECTIVES OF THE STUDY :

1. To study the impact of certain provisions of S.C. & S. T. (Prevention of Atrocities) Act. 1989.

2. To analyze whether the object of S.C. & S. T. (Prevention of Atrocities) Act. 1989 is completely fulfilled.

3. To draw out drawbacks under S.C. & S. T. (Prevention of Atrocities) Act. 1989 with Scheduled Cast and The Scheduled Tribies. (Prevention of Atrocities) Rules, 1995.

4. To study about the misuses of the Atrocity S.C. & S. T. (Prevention of Atrocities) Act. 1989 with Scheduled Cast and The Scheduled Tribies. (Prevention of Atrocities) Rules, 1995.

5. To study of Atrocities cases in Nanded.

6. To suggest measures to overcome the drawback & measures to fulfill the objectives of the Act.

HYPOTHESIS :

1. The Remedial provisions of compensation under the S.C. & S.T. (Prevention of Atrocities) Act, 1989, are proper.

2. All categories of atrocities are not covered under the provisions S.C. & S. T. (Prevention of Atrocities) Act. 1989.

3. The Atrocity Act being misused.

4. Dalits in other religions are not covered under the S.C. & S. T. (Prevention of Atrocities) Act. 1989

5. The provisions for relief & rehabilitation of victim are improper in the Scheduled Cast and The Scheduled Tribies. (Prevention of Atrocities) Rules, 1995 wih amendmend upto 2016.

RESEARCH METHODOLOGY:

The research methodology followed in commissioning the present work covers both empirical and non-empirical methods. Under the non-empirical or doctrinal study, various legislations, text books, commission reports, judicial decisions, law journals have been comprehensively consulted and used. The empirical study focuses on the real problems and difficulties.

So far as collection of data is concerned there are sources such as direct source and indirect source. The former represents data collected directly from the respondents relating to the factual situation of their socio-economic backwardness, awareness of Constitutional and legal provisions, programmes and policies of the Government and concern offices of the Government etc., The later comprises primary and secondary data such as, Journals, reports, legislations, Statutory rules, current awareness, publications, legal periodicals, websites, text books, hand books sponsored by the public offices, etc.

LIMITATION OF STUDY

Judgements of District Court, High Court, Suprime Court, from 1989 to 2017.

Cases of Nanded District from 1989 to 2017.

THE SCOPE OF THE STUDY

1. Introduction
2. Social Status of down troden people in India
3. Atrocities and allied Laws in India
4. Judicial trend upon Atrocities in India
5. The position of Atrocities and Related Cases in Nanded.
6. Conclusion and Suggestions

There are seven Chapter

CHAPTER - 1 INTRODUCTION

Article 17 of Indian Constitution seeks to abolish 'untouchability' and to forbid all such practices. It is basically a "statement of principle" that needs to be made operational with the ostensible objective to remove humiliation and multifaceted harassments meted to the Dalits and to ensure their fundamental and socio-economic, political, and cultural rights.

The provisions of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 specially for convict to the wrong door but now days we shown that in number of areas of India like Maharashtra and Tamilnadu and as well as number of state of India, innocents persons are suffered due to misused and wrong interpretation of the Act.

The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 is introducted to prevent atrocities against members of the SC & ST but now days blatantly misused of this Act by some mischives person of society. [7]

The normal provisions of the existing laws like, the Protection of Civil Rights Act 1955 and Indian Penal Code have been found inadequate to check these atrocities[8] continuing the gross indignities and offences against Scheduled Castes and Tribes. Recognizing these, the Parliament passed 'Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act', 1989 & Rules, 1995.

The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 specially enacted for prevention of Atrocities but in recent case of Maharashtra misused of Atrocity Act.

[7] *m.hindustantimes.com 7th Oct. 2016*
[8] *The statement of the object & reason for SC/ST (POA) Act, 1989*

CHAPTER -2 CONCEPTUAL CLARIFICATION :

The normal provisions of the existing laws like, the Protection of Civil Rights Act 1955 and Indian Penal Code have been found inadequate to check these atrocities[9] continuing the gross indignities and offences against Scheduled Castes and Tribes. Recognizing these, the Parliament passed 'Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act', 1989 & Rules, 1995.

The purpose of the Act was to help the social inclusion of Dalits into Indian society.

The term '**atrocity**' was not defined until this Act was passed by the Parliament in 1989. In legal parlance, the Act understands the term to mean an offence punishable under sections 3(1) and 3(2). Atrocity is "an expression commonly used to refer to crimes against Scheduled Castes (SCs) and Scheduled Tribes (STs) in India".

It "denotes the quality of being shockingly cruel and inhumane, whereas the term 'crime' relates to an act punishable by law".[10]

It implies "any offence under the Indian Penal Code (IPC) committed against SCs by non-SC persons, or against STs by non-ST persons. Caste consideration as a motive is not necessary to make such an offence in case of atrocity".[11]

SPECIAL COURTS

For speedy trial, Section 14 of the Act provides for a Court of Session to be a Special Court to try offences under this Act in each district. Rule 13(i) mandates that the judge in a special court be sensitive with right aptitude and understanding of the problems of the SCs and STs.

INVESTIGATION

According to Rule 7(1)[21] investigation of an offence committed under the

[9] *The statement of the object & reason for SC/ST (POA) Act, 1989*
[10] *Parliamentary committee on the welfare of SC/ST , 4th Report 2004-05*
[11] *Clarification by Ministry of Home Affairs, noted in NHRC, Report 2002*

SC/ST Act cannot be investigated by an officer not below the rank of Deputy Superintendent of Police (DSP).

COMPENSATION

Atrocities often take place when persons belonging to the SC community do not fulfill their 'caste functions' by doing ritually prescribed 'unclean' work or break the caste boundaries such as sitting in the bus or wearing a turban-often the preserve of the dominant castes. Atrocities are often a form of 'collective' punishment for daring to have even some semblance of non-dependence which is termed as 'prosperous', and the atrocity is to bring them back into the situation of total dependence and servitude. The state therefore has the duty to help the community back on its feet.

RECORD

As 'police' and 'public order' are state subjects, primary responsibility for prevention of atrocities and maintenance of law and order rests with the State Governments. A responsive police administration has always been recognized as an essential requirement in any society that seeks to take care of its citizens.

CHAPTER - 2 SOCIAL STATUS OF DOWN TRODEN PEOPLE IN INDIA

A study conducted by the National Commission for SCs and STs in 1990 on Atrocities on Scheduled Castes and Scheduled Tribes: Causes and Remedies pointed out various causal factors for atrocities: land disputes; land alienation; bonded labour; indebtedness; non-payment of minimum wages; caste prejudice and practice of untouchability; political factions on caste lines; refusal to perform traditional works such as digging burial pits, arranging cremations, removing carcasses of dead animals and beating drums; etc. The deep root for such atrocities is traceable to the caste system, which "encompasses a complete ordering of social groups on the basis of the so-called ritual purity. A person is considered a member of the caste into which s/he is born and remains within that caste until death…."[12]

Considered ritually impure, SCs have been physically and socially excluded from

[12] *Parliamentary committee on the welfare of SC/ST , 4th Report 2004-05*

mainstream society, denied basic resources and services, and discriminated against in all areas of life. Accordingly, they face various forms of exploitation, insults and violence, as well as degrading practices of untouchability. The Scheduled Tribes were equally exploited on grounds of not falling within the caste system but having a distinct culture and worldview of their own. "Women belonging to these castes and tribes bore double burden. They were exploited by caste and gender, and were vulnerable to and powerless against sexual exploitation."

The post-Independence era was marked by frequent instances of atrocities springing up across the country: for example, the assassination of the young, educated Dalit leader Emmanuel Sekaran in Tamil Nadu for defying the untouchability-based interdicts on SCs, which resulted in the Ramanathapuram riots of 1957; the Kilavenmani massacre of 42 Dalits in 1968 in Tamil Nadu; the gruesome killing of Dalit Kotesu in Kanchikacherla in 1969 in Andhra Pradesh; the killings of 10 STs by police in connection with a land dispute in Indravalli in Andhra Pradesh in 1978. All such events shook the then national leadership. Hence, under pressure from Dalit MPs, the Government of India started monitoring atrocities against SCs from 1974, and in the case of STs from 1981 onwards, with special focus on murder, rape, arson and grievous hurt.

Atrocities continued to rise with ferocity and frequency – for example, in Bihar the massacres of SCs at Belchi in 1979 and at Pipra in 1980; in Uttar Pradesh the massacre following a SC bridegroom riding on horseback at Kafalta in 1980; in Madhya Pradesh the killing of Bacchdas in Mandsaur district in 1982; in Bihar the killing in police firing on 15 STs at Banjhi in Sahibganj district in 1985. In all such cases, the Indian State at both the national and state levels avoided addressing basic contradictions, vulnerabilities and causative factors; the treatment was mainly symptomatic and palliative instead of the required radical solutions. Under continued pressure from Dalit MPs and political leaders, the magnitude and gravity of the problem was finally recognised by Prime Minister Rajiv Gandhi. In his Independence Address on 15 August 1987, he announced that an Act would be passed, if necessary, to check atrocities.[13]

[13] *P. S. Krishnan, Atrocities against Dalits Vol. No. 8 issue 5-6, 2009*

CHAPTER - 3 ATROCITIES AND ALLIED LAWS IN INDIA

1. The Constitution of India.
2. The Law Commission of India.
3. The Untouchability Offences Act, 1955.
4. Protection of Civil right Act, 1955
5. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act', 1989
6. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules, 1995.
7. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Ordiance 2014.
8. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules,2016.

CHAPTER - 4 JUDICIAL TREND UPON ATROCITIES IN INDIA

I Study various landmark Judgement of Suprime Court, High Court & other special Court established for Actrocities Act.

1. Mekala Raji Reddy v. State of Andhra Pradesh 2002 Cr. L. J. 3407 - Mere Knowledge is not an offence under S. 3 (II) (v) of the Atrocities Act.
2. Pappu singh v. State of U.P. 2002 Cr. L. J. 1251 - Word use "CHAMARIYA" without intention to insult does not in offence under S. 3 (I) (x) Atrocities Act.
3. A Case of Pritish Nandy - stay on arrest. Case is pending before Hon'ble. Court. Court Said that not evil intention of statement of Pritish Nandy Atrocities Act.
4. A. Sisi Kumar Vs. The Superintendent of police, Villupuram and three others 1998 (3) Crime 279.
5. D. Babu Vs State of Andhra Pradesh 1999 (2) Crimes 343.
6. Ramu Vs The Superintendent of police, Villupuram 2005 CRI. L.J. 1859.

7. Uttamlal D. Yernev Vs State of Maharashtra 2006 CFI. L.J. 353.

8. Vilas Pandurang Pawar Vs State of Maharashtra 2012.

CHAPTER - 5 THE POSITION OF ATROCITIES AND RELATED CASES IN NANDED.

In our India every year No of cases of the atrocity files in various corners, likewise also in Nanded till date number of cases filed regarding atrocity Act.

In Nanded from 1995 to 2015 near about 1215 complaint (FIR) lodge to various police station in Nanded District, out of 1215 cases only near about 700 cases decided by judiciary out of only in 36 cases conviction to the accused and near about 691 accused were acquited from the atrocity cases.

Social welfare Department of the Nanded city provide financial aid as per Annex.-1 of schedule [See rule 12 (4)] of the Scheduled caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

CHAPTER - 6 CONCLUSION AND SUGGESTIONS

After over all study on the 'The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989' and related Judgements and legal documents I concluded that this act not fulfill or achive goal for which this act encated by parliment because number of lacunae or drawback i.e. bias mind, legal system, lack of awareness, illitarcy, some atrocities not covered, Dalits in other religions not covered and most important draw back in this act is Annex.-1 of schedule [See rule 12 (4)] of the Scheduled caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. norms for relief amount therefore I suggested following suggestions for fulfullment of actual goal of this act and as well as prevention of misuse of this act.

SUGGESTION :

1. Compensation separated from this Act.
2. Appointment expert committee for look into reality of Complaint.
3. Detect false complaint then criminal action against complainant.
4. Compensation provide to victim after conviction to accused.
5. Use Plea Bargaining Sec. 265 A to 265 L of Cr. P.C.
6. Compensation provide to victim from convicted person.
7. Cover other dalits and change title.
8. Cover all atrocities.
9. Conducts awareness programme.
10. Strict action against wrongdoer.
11. Use Sec. 357 of Cr. P.C. - compensation.

PROPOSED AMENDMENT

1. Change the title.
2. Elaborate Definition of Atrocity U/Sec. 3
3. Annexure 1 Schedule [See Rule 12 (4)] Norms For Relief Amount Sec. 3 (1) deleted or change.

PRAPOSED PROVISIONS INSERT IN THIS ACT

1. Provisions for list of all dalit.
2. Provisions regarding false complaint.
3. Provisions regarding appointment of expert committee.
4. Compensation provide under this Act received from convicted person and if unable to pay then given enhanced punishment.
5. Complainant turn hostile then offence registered against Complainant.

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Dr. P. G. CHAVAN
Research Supervisor
Assistant Professor
Shri Shavaji Law College,
Parbhani.

RAJWANTSINGH S. KADAMB
Research Scholar.

Consent Letter of Guide

To,

The Director,
BCUD, Swami Ramanand Teerth Marathwada University,
Nanded.

Sir,

I am Dr. P. G. Chavan, Asst. Professor, Shir Shavaji Law College, Parbhani registered guide in the subject of Law of Swami Ramananad Teerth Marathwada University, Nanded.

I consent and undertake the responsibility that I shall work as Guide of Mr. Rajwantsingh Surendrasingh Kadamb as a scholar under title **A Study on S.C. & S.T. (Prevention of Atrocities) Act, 1989 with Special Reference to Nanded** in subject of Law. And instruction give by Act, Ordinance, Statutes of Swami Ramananad Teerth Marathwada University, Nanded.

Date : 07-10-2017

Place : Nanded.

Yours Faithfully,

Dr. P. G. Chavan
Asst. Professor,
Shir Shavaji Law College, Parbhani